

Message

From: Agarwal, Ilena [agarwal.ilen@epa.gov]
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To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: Compilation 11/16/2018

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Administrator Wheeler to be Nominated as Head of EPA

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[The Hill: Trump to nominate acting EPA chief Wheeler as next administrator](#)

CNBC: Trump to nominate acting EPA Administrator Andrew Wheeler as agency's permanent chief

Associated Press: Trump says will name EPA's acting chief to post permanently

EWG: 'A coal lobbyist and the head of the EPA should be two different people'

Environmental Health News: Industry studies show evidence of bias and misleading conclusions on widely used insecticide: Scientists

Data just doesn't add up behind industry conclusions on chlorpyrifos— a controversial insecticide linked to brain impacts for children.

<https://www.ehn.org/industry-studies-on-chlorpyrifos-misleading-2619918322.html>

Brian Bienkowski- November 16, 2018

Researchers who examined Dow Chemical Company-sponsored animal tests performed two decades ago on the insecticide chlorpyrifos found inaccuracies in what the company reported to the U.S. Environmental Protection Agency compared to what the data showed.

And, according to internal EPA communication, agency scientists also had issues with the study interpretations, yet the agency approved the compound for continued use in anyway.

"EPA staff scientists and staff were telling management there were problems," said Jennifer Sass, senior scientist with the Natural Resources Defense Council, who was not involved in the current study but has worked on issues related to toxics, including chlorpyrifos, for decades.

"And management disregarded it."

Those 20-year-old industry studies are still used by regulatory agencies such as the EPA and the European Food Safety Authority in approving continued use of the controversial insecticide, which is used on beans, citrus, corn, cotton, wheat and soybeans.

"Exaggerated trust in the reporting" by regulators led to a "failure" of both U.S. and EU authorities to act on red flags, the authors wrote.

The results, published today in the journal *Environmental Health*, are timely: The EPA is appealing a court decision that would mandate a ban on chlorpyrifos residue on food (which would effectively mean a ban on farm-use); and the European Union is considering a ban as well.

The Obama Administration's EPA in 2015 proposed a ban of the chemical on food (that would have likely taken effect in early 2017), but President Trump's former EPA Administrator Scott Pruitt reversed the decision.

In August, however, a three-judge panel on the Ninth Circuit Court of Appeals ordered the EPA to ban the chemical. The EPA has appealed the decision.

Multiple studies since the industry-funded research have shown toxic impacts, especially to children, from chlorpyrifos exposure. Those studies have linked fetal exposure to lower IQ's and reduced gray matter in the brain later in life. Health researchers have increasingly sounded the alarm that the chemical should be banned due to its potential for impacts on young nervous systems.

The chemical was developed as a nerve gas during World War II.

There's no surprise it's toxic "because it was designed from chemical warfare agents," Sass said.

The new study is a peek behind the curtain at the stark discrepancy between industry and independent science on the chemical.

"If all of this raw data had been scrutinized properly, it should have at least required further testing to see if these findings were abnormal," Philippe Grandjean, senior author on the study and a researcher and adjunct professor of environmental health at Harvard T.H. Chan School of Public Health, told EHN. "In our minds, their [Dow] data are not appropriate to prove that [chlorpyrifos] is not a neurotoxicant."

Inaccuracies in the reporting

The researchers, led by Axel Mie, an assistant professor in the department of clinical science and education at the Karolinska Institute, requested the data for two industry lab animal studies—one from 1998, and one in 2015.

One study tested chlorpyrifos exposure on rats, while the other was a rat study of chlorpyrifos-methyl, a breakdown chemical from chlorpyrifos.

Key findings:

- The lab, Argus Research Laboratories in Pennsylvania, used a 2 percent cut off for what constitutes "statistically significant" findings throughout most of the study, instead of the scientific standard of 5 percent. This is important because it is a stricter interpretation of data and would make it more likely that they wouldn't find impacts from exposure.
- When the lab looked at dimensions of the brain after exposure, they didn't look at individuals but put them all together and took an average. "When we looked at least one dimension in the rats, cerebellum height was decreased and linked to exposure to chlorpyrifos in newborn pups," Grandjean said. "In the other test study where they examined chlorpyrifos-methyl those data were in part missing, so we were unable to see if the same thing happened with the sister compound. And there was no explanation for the data being unavailable."
- The rat studies failed to model human exposure and potential brain impacts. "The brain growth spurt occurs mainly postnatally in rats but prenatally in humans," Mie and colleague wrote. However, the newborn pups in the industry studies had decreased levels of exposure once born because only a fraction of chlorpyrifos is transferred via milk.
- The test facility for the studies was "unable to detect neurobehavioral effects of elevated developmental exposure to lead nitrate, although lead is a confirmed developmental neurotoxicant at very low doses," the authors wrote.

"We believe there were some inaccuracies in the reporting and in the summary provided by Dow to the EPA and EFSA," Grandjean said. "And this goes back something like 20 years, when all of this testing was being done, and this is what current approval of chlorpyrifos relies on."

"Federal agencies need to stop doing negotiations with registrants"

Grandjean said there were several hundred pages of data.

In communication between EPA toxicologists and those responsible for registering pesticides, it's clear agency scientists were well aware of study interpretation problems.

"The study was graded unacceptable due to an inadequate presentation of the statistical data analysis," wrote Susan Makris, formerly with the toxicology branch of the EPA, in a 2000 note to the agency's reregistration branch.

An EPA spokesperson said the agency is reviewing the new study.

"What happened in the end was EPA management overriding their own science and technical experts," Sass said.

Sass added that EPA scientists are now on the "right track" — looking at low dose exposures and specific impacts to developing children.

And now it's up to management and administration officials to follow the science.

"This [study] just shows that industry can't be trusted on how it reports data, and federal agencies need to stop doing negotiations with registrants," Sass said.

EHN has reached out to Dow Chemical Company and will update the story when they respond.

After the storm: Lower-cost air quality monitors measured pollutants in Puerto Rico after Hurricane Maria

<https://phys.org/news/2018-11-storm-lower-cost-air-quality-pollutants.html>

Carnegie Mellon University Mechanical Engineering- November 16, 2018

In late September 2017, Hurricane Maria devastated Puerto Rico. Shortly after the hurricane hit, more than 90 percent of the US territory lacked access to electricity. Even three months later, half of the island still did not have power, and power outages were frequent, forcing many people to rely on power generators. In a recent study, Carnegie Mellon University and University of Puerto Rico-Rio Piedras (UPR-RP) researchers showed that these generators increased air pollution in the San Juan Metro Area.

To power the generators after the hurricane, the US Environmental Protection Agency (EPA) granted Puerto Rico a waiver from ultra-low sulfur diesel (ULSD) requirements until mid-November 2017 and allowed Puerto Rico to use diesel fuel with higher sulfur content until they depleted the existing stocks. The EPA prohibits diesel fuel with higher sulfur content because the fuel is strongly correlated with emissions of fine particulate matter (PM)—a known carcinogen. The widespread use of non-ULSD fuel can also increase concentrations of sulfur dioxide (SO₂), which is a precursor to PM that causes migraines and reduces hearth health.

In addition to taking out much of the island's electricity, Hurricane Maria also damaged Puerto Rico's existing air monitoring network and no air quality data was collected for the first two months following hurricane impact. Certain reports attribute thousands of additional deaths after hurricane impact to Hurricane Maria, and some of those deaths may have been due to hurricane response-related air quality degradation.

Carnegie Mellon and UPR-RP researchers started monitoring Puerto Rico's air quality in late November 2017. To monitor air quality in Puerto Rico, the researchers deployed four lower-cost Real-time Affordable Multi-Pollutant (RAMP) monitors and one black carbon (BC) monitor in the San Juan Metro Area. The RAMPs, which Carnegie Mellon developed in collaboration with SenSevere, operate on low-power solar panels and can measure carbon monoxide (CO), nitrogen dioxide (NO₂), ozone (O₃), nitric oxide (NO), and SO₂.

In the first month of collection, the RAMPs measured SO₂ concentrations that exceeded the EPA's threshold approximately 80 percent of the time. On several days, SO₂ concentrations exceeded 200 ppb, well over the EPA's threshold of 75 ppb. The researchers also found that SO₂ concentrations were highly correlated with other harmful substance concentrations such as CO and BC, which is a significant component of fine particulate matter.

The study's overall goal was to collect information that can "guide future responses to similar disaster scenarios." The study's principal investigator, Carnegie Mellon's Mechanical Engineering Research Scientist R. Subramanian, commented on the results, saying, "The high levels of sulfur dioxide and carbon monoxide were unexpected, and show that the RAMPs can provide valuable information about potential air pollution-related health hazards in real-time. The results also strengthen the case for backup power sources that are not based on fossil fuels as part of disaster response plans."

The findings were published in ACS Earth and Space Chemistry. Locally, Carnegie Mellon's Center for Atmospheric Particle Studies also deploys RAMPs around Pittsburgh, Pa. neighborhoods to help residents understand their exposure to air pollution.

Read more at: <https://phys.org/news/2018-11-storm-lower-cost-air-quality-pollutants.html#jCp>

Business Observer: The road to a new warehouse was long and winding

<https://www.businessobserverfl.com/article/john-hargreaves-maintenance-too-paper-co-bradenton-warehouse>

by: Kevin McQuaid- November 16, 2018

With all the attention that massive distribution centers occupied by Quaker Oats, Walmart, Amazon and other big-name corporations around the Gulf Coast receive, it's easy to lose sight that small businesses — and the smallish buildings that they occupy — remain the lifeblood of the region's economy.

It's also not hard to forget that behind every business and building is a person, or people, who make it run and persevere.

Which brings us to a Friday evening in late September and to Maintenance Too Paper Co. owner John Hargreaves, dressed in a bright orange shirt with a victory cigar dangling from his mouth, smiling wide and surrounded by family, friends, vendors and customers.

The unlit cigar capped a three-year-plus odyssey, of sorts, to purchase and renovate a new warehouse and retail space in Bradenton — a journey that would undulate between heartache and triumph and many places in between.

Hargreaves had come across the building, at 629 17th Ave. West in Bradenton, across from Pittsburgh Pirates' spring training home LECOM Park, in late 2014.

At roughly 22,000 square feet, the size was right for his then-current inventory and it would provide enough breathing room for his restaurant and janitorial supply business to grow for years to come.

The building had enough office space to meet Maintenance Too's needs and he believed it had retail space and street frontage that was superior to the building he was in, too.

Better yet, it was vacant and for sale, for \$700,000. The price was a little on the high side for Hargreaves, but he was intrigued. After he and his wife, Kathy, a CPA, did a walk through, she gave the deal a thumbs up.

Subhead: The Dark Side

But the building had a dark side. A former factory that had most recently been the home of plaque maker Laser Works, the 17th Avenue West building was on an U.S. Environmental Protection Agency list of contaminated properties.

The EPA had set up wells throughout the 1.3-acre site to monitor ground water, which had tested positive for harmful chemicals.

Undeterred, Hargreaves dug in. He discovered that so-called "brownfield" grants might be available to help mitigate the cost of cleanup. Thinking "glass is half full," he convinced himself that the contamination just might knock the price down a bit. The number \$500,000 bounced around in his head.

Hargreaves' mood lifted even further after talks with EPA officials, who told him that the bloom of contaminants wasn't as severe as they originally theorized, based on their most recent monitoring reports.

In February 2015, Hargreaves enlisted the help of an environmental attorney he'd met and offered \$600,000.

Two weeks later, he received a call from the Ian Black Real Estate agent listing the property on behalf of owner SM-17th Avenue LLC, an affiliate of Lakewood Ranch-based SMG Property Management, according to county property and state records.

He was too late.

The property had just gone under contract to a church, which liked the building's central Bradenton location.

Hargreaves was crestfallen.

Disappointed, he went back to the 6,000-square-foot building Maintenance Too had been operating from in the Bayshore Gardens section of the city.

"We literally had stuff bursting out of that building," says Hargreaves, who is also chairman of the Manatee Performing Arts Center.

"We must have had 10,000 square feet of product inside."

Even worse than the cramped workplace, the building lacked a truck well. That meant that every delivery — many of which came off of tractor trailers with pallet after pallet of cleaning supplies, uniforms, packing tape, napkins and vacuum cleaners — had to be unloaded by hand by several of Maintenance Too's roughly dozen employees.

Meanwhile, back on 17th Avenue, things weren't going well for the church, either. The property's zoning didn't allow for houses of worship in a largely industrial setting.

629 17th Ave. West came back on the market.

Hargreaves came back, too, offering \$550,000 — this time with a deposit.

Months then passed, as environmental testing and mitigation dragged on. So much time went by, in fact, that Hargreaves asked SM-17th Avenue to slice \$75,000 off the purchase price. To sweeten the offer, Hargreaves said he'd close within weeks of their acceptance.

He wasn't optimistic they'd agree to the reduction, but he figured he didn't have much to lose, either.

It was the same way he felt when he started Maintenance Too in 1981, with just \$500, after being exposed to a similar business in his native Detroit.

At first, he worked out of a van he owned. As the business grew with hotel, restaurant and doctors' offices as customers, he rented a garage to store inventory.

For the first year or so, he operated on a strictly "cash on delivery" basis, and he began cleaning offices on the side to keep the business afloat.

Eventually, he rented a spot in a strip center on Old U.S. 301, in Bradenton, where he worked for eight years until he outgrew it, prompting the shift to Bayshore Gardens.

Subhead: A Surprising Reply

To his surprise, SM-17th Avenue accepted his request to lower the price — somewhat.

Where Hargreaves had written in \$75,000, SMG Property officials had crossed out the number and replaced it with another: \$50,000.

If Hargreaves could close, he'd acquire the property for the \$500,000 he'd optimistically hoped for more than a year earlier, provided he buy the building "as is."

He was ecstatic, an emotion that grew when his EPA contacts told him they were considering closing their case because the contamination had been steadily contained and was shrinking on the property.

The feeling wouldn't last, though.

With the clock ticking on the closing, Hargreaves approached his bank about a mortgage.

The request was denied.

The bank told him he couldn't get a loan while an EPA case was open.

To officially close it under the law, though, officials were required to advertise the case status and pending change for a period of 30 days and notify state officials ranging from the Attorney General to the head of the Department of Environmental Protection.

So much for a quick closing.

Frantic, Hargreaves got in touch with SM-17th Avenue and explained.

Luckily for him, the seller understood and agreed to an extension while the EPA closed its books on the site.

On Sept. 15, 2016, Hargreaves' company became the proud owner of 629 17th Ave. W for \$500,000.

That evening, Hargreaves bought a bottle of Crown Royal whiskey, some beer and wine and cheese and crackers for a celebration at Maintenance Too's new home.

Hargreaves, his wife, a few employees and their spouses gathered outside.

When they opened the doors, they were met with more than an inch of standing water and mud.

Because the building had been vacant for so long, and so much attention had been paid to the EPA monitoring wells, no one had noticed that a portion of the ceiling had caved in. Hargreaves hadn't done a final walk-through before closing because his contract called for him to buy the place "as is."

No one had noticed that the truck well had been completely flooded, either, or that it had become a home to dozens of frogs and tadpoles. Hargreaves surveyed the damage with his hands on his head and his mouth agape.

The celebration would have to wait.

Over the next 18 months, Hargreaves would spend hundreds of thousands of dollars and countless hours — often on Saturday mornings and throughout weekends — pumping out the water, cleaning up the mud, repairing the ceiling and installing new fire suppression equipment, LED lighting and a sturdy racking system.

Along the way, he discovered that all the interior walls had been damaged by termites, too.

"All the walls were shot and had to be replaced," he says. "You'd lean against them and they would just crumble."

Finally, in March, Maintenance Too moved into its new home.

Customers say the new digs are an improvement and should boost what is already a superior level of service.

“The new place is great,” says Jarrod Johanns, who owns a local Jani-King cleaning franchise. “It’s a lot bigger, and should allow him to do a lot more things. And I am glad for John, too. His level of service is amazing, no matter if you call him on nights, weekends, whenever. He’s very responsive.”

Hargeaves, for his part, also is glad to have the warehouse’s heavy lifting behind him.

“It was definitely a case of ‘be careful what you wish for,’” he says. “It was a lot of sleepless nights, for sure, and a lot of hard, physical work and sacrifice. But we’re very happy with it, and our customers are happy with it. It’s closer to home and downtown Bradenton, so that’s a big plus for deliveries and pickups.

“But would I do it all again?” Hargreaves asks rhetorically. “I’m going to have to think about that some.”

E&E News: Trump, Wheeler celebrate recycling

<https://www.eenews.net/eenewspm/stories/1060106379/search?keyword=epa>

Corbin Hiar- Thursday, November 15, 2018

President Trump and acting EPA Administrator Andrew Wheeler this afternoon avowed their commitment to recycling.

"We can reduce waste and ensure our Nation more efficiently utilizes our resources as we build a stronger America for future generations," Trump said in a presidential message on America Recycles Day, an annual holiday created in 1997 by two former Texas environmental regulators.

Meanwhile, Wheeler signed a memorandum of understanding that aims to promote the recycling of mercury light switches in automobiles at an EPA summit on reducing and reusing waste.

"Under President Trump, we've made it a priority to engage with stakeholders and the regulated community to work together to address the environmental challenges of our time," the EPA chief said at a roundtable with dozens of industry players as well as state and local regulators.

While delivering opening remarks at the two-hour event at EPA headquarters, Wheeler sat between Barry Breen, the career head of the agency's Superfund program, and Peter Wright, Trump's pick to lead the solid waste office at EPA who's currently serving as the administrator's adviser.

In the recycling context, Wheeler said "our role at EPA is to help develop best practices, provide the data the public needs to monitor their recycling efforts, and incentivize action through our programs and grants."

The memo he inked extends the national vehicle mercury switch recovery program for three years. The program is run by US Ecology Inc. and the End of Life Vehicle Solutions Corp.

The deal "will renew our partnership and help our nation's industrial recyclers recover steel and other materials from end-of-life vehicles while at the same time reducing the release of mercury into the environment," Wheeler said. The EPA chief added that he hopes the program will "continue long after" 2021.

Wheeler left the event without taking any questions from the roundtable attendees or the press.

E&E News: Solutions Caucus eyes standards for membership

<https://www.eenews.net/eedaily/stories/1060106413/search?keyword=epa>

Nick Sobczyk- November 16, 2018

The bipartisan Climate Solutions Caucus may create more rigorous standards for membership in the next Congress, potentially assuaging critics who say it serves to hide the anti-environmental voting records of its Republican members.

"We're taking a look at the caucus as a whole, how to reconstitute it," Rep. Ted Deutch (D-Fla.), co-chairman of the caucus, told reporters yesterday. "Perhaps some standards for membership. But none of that's been worked out yet."

Environmental groups have long panned the caucus for admitting members like Rep. Matt Gaetz (R-Fla.), who professes his belief in climate science but once proposed a bill to eliminate EPA.

Some Democratic aides also say the caucus's goal of bridging the partisan divide and spurring discussions on climate change doesn't do much to advance policy.

Deutch said it's "unclear" what the potential standards would look like, but he suggested he wants the caucus to do more to push hard legislative solutions in Congress.

"We want to come up with something that can move past the discussion phase and can lead to some concrete proposals that have a chance of moving forward in the House and hopefully the Senate," he said.

Citizens' Climate Lobby — the group behind the Solutions Caucus — wants that proposal to be a carbon fee and dividend bill, though Deutch wouldn't say whether there were plans to introduce one.

In any case, the caucus's goals became more difficult last week, when its Republican co-chairman, Rep. Carlos Curbelo of Florida, lost his fight for re-election.

Deutch said he doesn't know yet who's in line to be his GOP counterpart next year.

But, he added, "there's finally a majority that understands the urgency of combating climate change."

Environmental Defense Fund: The Trump EPA is poised to grant the chemical industry yet another of its wishes under TSCA

<http://blogs.edf.org/health/2018/11/16/the-trump-epa-is-poised-to-grant-the-chemical-industry-yet-another-of-its-wishes-under-tsca/>

By Richard Denison- Published: November 16, 2018

The chemical industry has long sought to have the Environmental Protection Agency (EPA) rubber-stamp as “safe” as many of its chemicals as possible without imposing any burden on the industry to develop the information needed to actually demonstrate safety. It has repeatedly pushed for EPA to set aside large numbers of chemicals in commerce and ensure they don’t have to undergo evaluations of their potential or actual risk.

During the debate over reform of the Toxic Substances Control Act (TSCA), various industry associations advocated for an approach that would have required EPA to quickly review all chemicals in commerce using whatever information was available (which is virtually none for the great majority of such chemicals), and set aside as “low-priority” any that EPA could not demonstrate were harmful.

It appears EPA is trying to install a new parallel process, outside of TSCA’s statutory boundaries, that EPA will use to set aside thousands of chemicals from any further review indefinitely and with no recourse for the public.

When that didn’t fly (more on this below), industry commenters demanded that, in promulgating its Prioritization Rule, EPA designate long lists of chemicals as low-priority without any review. One of the few positives of that final rule was that it rejected those calls as well.

But lest you think the issue is settled, think again. Leave it to the Trump EPA to find an even more devious way of granting the industry’s wish.

EPA’s ill-conceived proposal to “bin” the entire TSCA Inventory

EPA’s latest move comes in its proposal called “binning the TSCA Inventory.” It constitutes the second half of a White Paper EPA released in September titled “A Working Approach for Identifying Potential Candidate Chemicals for Prioritization.” Last night, EDF filed extensive comments on this document. Among our many other concerns, we voiced strong opposition to EPA’s proposal for binning the entire TSCA Inventory, which numbers in the tens of thousands of chemicals. Here’s why.

EPA’s White Paper is clear as to EPA’s purpose in binning the Inventory (emphases added): “[I]ts purpose is not to identify a list of high-priority candidates. Nor is its purpose to signal that the EPA has concerns with particular chemicals or categories of chemical substances” but rather “to identify a portion of the Active Inventory that can be set aside as not containing candidates for high-priority designation.” Sound familiar?

The problem with this is that the 2016 amendments to TSCA already established a process for EPA to use to set aside chemicals not warranting further risk evaluation: the authority and mandate for EPA to designate certain chemicals as “low-priority substances.” This was a highly controversial aspect of TSCA reform: Many stakeholders and members of Congress were concerned that it could be abused to shove large numbers of chemicals into that bin based on only limited information and a cursory review by EPA, thereby indefinitely or even permanently putting them off-limits to the process called for under TSCA to actually evaluate their potential risks.

To guard against this, Congress carefully circumscribed the process for low-priority designations EPA was to use. Among the key safeguards:

- SUFFICIENT INFORMATION: Such designations have to be “based on information sufficient to establish that a chemical does not meet the standard ... for designating a chemical substance a high-priority substance.”
- JUDICIAL REVIEW: Such designations can be challenged in court by any person.
- MODEST PACE OF DESIGNATION: TSCA anticipates an approximate balance in the pace at which high- and low-priority substance designations are made by indicating that EPA should make 20 of each type of finding within three and a half years of enactment.
- PUBLIC NOTICE AND COMMENT: TSCA requires that EPA “publish the proposed designations ... along with an identification of the information, analysis, and basis used to make the proposed designations, and provide 90 days for public comment on each such proposed designation.”

EPA’s new Inventory binning proposal includes none of these safeguards (though the courts may ultimately conclude that binning decisions are subject to judicial review). Instead, it appears EPA is trying to install a new parallel process, outside of TSCA’s statutory boundaries, that EPA will use to set aside thousands of chemicals from any further review indefinitely and with no recourse for the public.

Not only is there no statutory basis for EPA’s proposal, there is no need for it and undertaking it would seriously detract from EPA’s many other (and, in some cases, unmet) obligations to properly implement the 2016 TSCA amendments.

An unwarranted diversion of scarce EPA resources for TSCA implementation

Our detailed comments further discuss each of the following additional points:

- Nothing in TSCA mandates or authorizes binning of the TSCA Inventory.
- Nothing in TSCA requires binning of the TSCA Inventory. There is no reason or need for EPA to look at tens of thousands of chemicals when, even well into the future, EPA will need to have identified at most a few hundred chemicals under TSCA’s prioritization and risk evaluation processes.
- EPA should not divert its already stretched-thin and limited TSCA resources to undertake an exercise not mandated under TSCA, especially when it is not meeting all of its obligations under the new law.
- EPA has seriously underestimated the resources needed to fulfill its mandatory duties under TSCA, including those it is not adequately fulfilling.
- There is no indication EPA has budgeted the resources needed to carry out the proposed binning.
- EPA’s claim that other countries (e.g., Canada) are undertaking similar exercises is misleading.
- EPA’s proposal is contrary to TSCA’s process and criteria for setting aside chemicals and subverts Congress’ intent to ensure EPA uses a rigorous process to do so.
- EPA’s binning process will favor industry data over the published scientific literature

As detailed in our comments, the binning exercise will not only be resource-intensive, it will also be incomplete and biased. In order to “bin” the tens of thousands of chemicals on the Inventory, EPA would utilize an automated approach that only considers certain, limited types of studies and information. As a result, EPA’s proposed approach would include industry studies conducted for regulatory purposes, while excluding the large majority of information published in the scientific literature, including key epidemiological and ecological studies. Thus, EPA will make binning decisions on chemicals while ignoring reasonably available information about their risks.

This approach is particularly problematic because of how it would handle false positives (i.e., chemicals erroneously flagged as high-concern when they are actually low-concern) vs. false negatives (i.e., chemicals erroneously flagged as low-concern when they are high-concern), both of which would inevitably be generated. Any false positives would be identified and remedied promptly as the agency moved them to the next stage of evaluation and considered such substances for prioritization and risk evaluation. In contrast, the false negatives would be set aside indefinitely, effectively deemed “safe,” and likely never be revisited.

Will EPA give the chemical industry a direct role in selecting chemicals for prioritization?

Another highly disturbing aspect of EPA's White Paper we discuss in our comments is EPA's suggestion that it may give the industry a direct role in the designation of the priority to be assigned to chemicals. Citing comments it received on its earlier proposals for identifying candidates for prioritization, EPA states (emphases added):

Stakeholders suggested that, after information from designating the required 20 low- priority chemicals is publicly available, they may wish to volunteer to sponsor the development of information that could be used by EPA to identify candidates that may be designated as low-priority chemicals, beyond the required 20. The experience that EPA and stakeholders gain in designating the first 20 low-priority chemicals could set the stage for an enhanced stakeholder role in designation of additional substances. Similarly, the experiences EPA and stakeholders gain in designating the first 20 high-priority chemicals could also set the stage for an enhanced stakeholder role.

EPA's reference to "stakeholders" is misleading, as the only stakeholders making such comments were from the chemical industry.

While it should be obvious, the chemical industry has a clear conflict of interest in decisions about which chemicals are identified as candidates for low- or high-priority substances. EPA's suggestion that it may provide the industry an "enhanced role" in the designation of such substances is nothing less than appalling.

Instead of abdicating its responsibilities and authorities by resorting to "enhanced stakeholder roles" for industry in selecting the priority to be assigned to a chemical, and relying on voluntary industry sponsorship programs (that have failed in the past) to fill information gaps, EPA should do the job Congress intended it to do and actually utilize the enhanced mandatory information authorities provided in the 2016 amendments to TSCA – authorities it has yet to even hint at using, two and a half years after the passage of those reforms.

Water world: SAN FRANCISCO GREEN INFRASTRUCTURE PROJECT RECOGNIZED BY EPA

<https://www.waterworld.com/articles/2018/11/san-francisco-green-infrastructure-project-recognized-by-epa.html>

November 16, 2018

SAN FRANCISCO, CA, NOV 16, 2018 -- The San Francisco Public Utilities Commission's (SFPUC) Holloway Green Street Project has received an honorable mention award for excellence by the Environmental Protection Administration.

"This project is an example of how the SFPUC is using innovative practices to improve the efficiency of our stormwater system," said SFPUC General Manager Harlan L. Kelly, Jr. "It is an honor to receive this award from the EPA and to be recognized as a national leader in our field."

The Holloway Green Street Project, also known as the Lake Merced Green Infrastructure Project, is an eight-block undertaking that showcases San Francisco's first application of permeable concrete in the public right-of way. Stretching from Ashton Avenue to Lee Avenue, the project features rain gardens that include native plants to receive, manage and treat stormwater that would have otherwise been diverted into San Francisco's combined sewer system.

The project was honored by the EPA's Performance Innovation in Creating Environmental Success (PISCES) award, which is given to projects that demonstrate excellence in water quality, public health and economic benefits, along with showcasing sustainability and innovative efforts. The Holloway Green Street Project was one of just 30 initiatives nationwide to be recognized with a PISCES award.

The Holloway Green Street Project is an example of the SFPUC's use of green infrastructure, a stormwater management tool that takes advantage of the natural processes of soils and plants to slow down and clean stormwater and keep it from overwhelming the City's sewer system. The Holloway Green Street project is one of eight early implementation green infrastructure projects being built across each of San Francisco's watersheds.

In addition to showcasing green infrastructure uses, the Holloway Green Street Project is part of the SFPUC's Sewer System Improvement Program (SSIP), a multibillion project to improve, upgrade and modernize the City's 100-year-old sewer system. The Holloway Green Street Project was the first SSIP initiative funded through the Clean Water State Revolving Fund Program. That program provided \$7.4 million in funding, providing low-cost financing for the initiative that saved SFPUC ratepayers' money.

Earlier this year, the project received a San Francisco Collaborative Partnering Gold Award. That award honored the SFPUC for its exemplary work partnering with San Francisco Public Works on the undertaking.

Learn more at www.sfwater.org.

Triblive: Letter to the editor: EPA rollbacks dangerous

<https://triblive.com/opinion/letters/14301320-74/letter-to-the-editor-epa-rollbacks-dangerous>

LETTER TO THE EDITOR | Friday, Nov. 16, 2018, 10:03 a.m.

Last month, acting Environmental Protection Agency administrator Andrew Wheeler opened the Shale Insight conference in Pittsburgh ("Acting EPA administrator praises reduced regulation at Pittsburgh shale conference," Oct. 24, TribLIVE). As a Washington County resident and mother, I found his remarks devastating.

His keynote address touted rollbacks in the regulatory process as good for us. How can this be? This only shows that Wheeler is out of touch with people and in touch with industry and its profits.

The EPA is in the process of rolling back standards for methane emissions from the oil and gas industry. This rollback is reckless because it exposes communities across the country to harmful and preventable air pollution and exacerbates climate change.

My home is surrounded by 40 wells, two compressor stations, gathering and transmissions pipelines, and housing and training facilities. All of this natural gas infrastructure constantly leaks an enormous amount of climate-warming methane and harmful compounds. My 12-year-old son has nosebleeds if the windows are left open at night. My 9-year-old daughter and my two other sons have experienced full body rashes as a result of this air pollution. What do I tell them about why the EPA is rolling back critical health protections?

There is some good news, however. Despite the ill-conceived EPA rollbacks, Gov. Tom Wolf has an opportunity to step up and take bold action on slashing methane from natural gas operations — and must do so as soon as possible before more harm is done.

Lois Bower-Bjornson

Scenery Hill

Huffington Post: Trump EPA Official Who Fought Coal Cleanup Arrested On Criminal Ethics Charges

Trey Glenn denied the charges in a statement provided through a lawyer. The EPA refused to comment.

https://www.huffingtonpost.com/entry/trump-epa-official-trey-glenn-ethics-charges_us_5bee4848e4b0510a1f2f53af

By Mary Papenfuss

An Environmental Protection Agency official appointed by the Trump administration was arrested on Thursday for multiple criminal ethics violations.

Onis Trey Glenn, 47, was charged with crimes reportedly linked to a scheme that took place when he worked as a lobbyist for the Drummond Company. At the time, Glenn helped the coal mining firm dodge a bill for an EPA-mandated cleanup of neighborhoods in Birmingham and Tarrant, Alabama, that were contaminated by emissions from smokestacks owned by a subsidiary, AL.com reported.

Last year, Glenn became the Region 4 administrator of the EPA in charge of eight states in the Southeast, including Alabama.

According to The Associated Press, Glenn was booked into a Jefferson County jail in Birmingham before he was released on a \$30,000 bond. Charges include receiving money and soliciting something of value from a "principal, lobbyist or subordinate," per AL.com.

Few details were released about the amount of money received or what was solicited. However, state ethics laws prohibit officials from using their office for financial gain and from soliciting money or other things of value.

Even after Glenn began working as an EPA administrator, he continued to communicate with Alabama environmental officials about the cleanup site, according to records obtained by the Project on Government Oversight and Mother Jones magazine.

Drummond also enlisted help from then-Sen. Jeff Sessions, whose office worked closely with the company and its powerful Birmingham law firm, Balch and Bingham, to battle the EPA's cleanup efforts.

Glenn denied the charges in a statement provided through a lawyer.

"The charges against me are totally unfounded," Glenn stated. "I am innocent and expect to be fully vindicated."

The EPA refused to comment.

Scott Phillips, the one-time chairman of the Alabama Environmental Management Commission, was also charged with ethics violations. Phillips worked with Glenn to fight against EPA clean-up efforts. Phillips has also denied any wrongdoing.

A Drummond executive was convicted earlier this year of bribing a state legislator to oppose the EPA clean-up efforts. Glenn and Phillips were called as witnesses in that trial, AL.com reported.

Glenn was under a cloud of suspicion long before he was appointed to head the EPA in the area. In 2007, the Alabama Ethics Commission found probable cause that Glenn may have violated the state ethics law to get his job and to obtain personal trips, including a family vacation to Disney World, AP reported. Although the Montgomery County district attorney declined to prosecute, Glenn resigned his post in 2009.

“Trey Glenn should have never made it through any serious vetting process,” said Rep. Frank Pallone (D-N.J.), the ranking Democrat on the House Committee on Energy and Commerce. He told the AP that his committee would conduct “vigorous oversight” of the EPA once the Democrats took control of the House in January.

The Hill: Trump EPA official arrested on criminal ethics charges

<https://thehill.com/homenews/administration/417052-trump-epa-official-arrested-on-criminal-ethics-charges>

BY TAL AXELROD - 11/15/18 07:37 PM EST

An Environmental Protection Agency (EPA) official in the Trump administration was arrested Thursday two days after being indicted on multiple alleged violations of Alabama ethics laws.

Trey Glenn, the regional director for EPA's southeast region, was arrested for allegedly helping an Alabama law firm fight potential EPA actions to clean up contaminated sites on behalf of Drummond Co., which could be responsible for the cleanups.

Among other charges, Glenn and former Alabama Environmental Management Commissioner Scott Phillips were indicted on soliciting a thing of value from a principal, lobbyist or subordinate and receiving money in addition to that received in one's official capacity.

Acting EPA chief Andrew Wheeler declined to comment on the case Tuesday, saying he hadn't spoken with Glenn about it.

"I just learned about it this afternoon. I haven't had a chance to look into the matter or talk to him personally yet," Wheeler said at an EPA event.

In a statement provided to the Associated Press by his lawyer, Glenn denied the charges.

"The charges against me are totally unfounded, and will be vigorously defended," Glenn said. "I am innocent and expect to be fully vindicated."

The Alabama Ethics Commission in 2007 also found probable cause that Glenn violated state law to obtain personal trips, including a trip to Disney World that was paid for by a public relations firm representing a client with business before the Alabama Department of Environmental Management, which he was the director of at the time.

Freight Waves: Solving for NOx: Can the industry can meet a new EPA standard?

<https://www.freightwaves.com/news/equipment/epa-to-set-new-truck-nox-limit>

Brian Straight- November 16, 2018

On Tuesday, the U.S. Environmental Protection Agency (EPA) took a step to reduce oxides of nitrogen (NOx) emissions from commercial heavy-duty vehicles. The EPA said it would begin a rulemaking, likely in 2020, to address NOx for the first time since a rulemaking in 2001 set the current levels at 0.20 grams per brake horsepower-hour (g/bhp-hr).

“The Cleaner Trucks Initiative will help modernize heavy-duty truck engines, improving their efficiency and providing cleaner air for all Americans,” said Acting EPA Administrator Andrew Wheeler in a statement. “The U.S. has made major reductions in NOx emissions, but it’s been nearly 20 years since EPA updated these standards. Through rulemaking and a comprehensive review of existing requirements, we will capitalize on these gains and incentivize new technologies to ensure our heavy-duty trucks are clean and remain a competitive method of transportation.”

The incentive to review and possibly set new NOx levels is not being driven by any statutory timeline, but rather in response to petitions from 20 state and local government agencies, including the California Air Resources Board (CARB) and the San Joaquin Valley Air Pollution Control District.

CARB, in a 2016 comment to the Phase 2 greenhouse gas emissions regulation, “estimated that heavy-duty on-highway vehicles currently contributed about one-third of all NOx emissions in California. In order to achieve the 2008 National Ambient Air Quality Standard for ozone ... the state’s South Coast Air Basin would need an 80% reduction in NOx emissions by 2031.”

EPA, in response to petitioners’ requests to set a new national NOx standard to avoid each state setting its own limits, noted that over the past 40 years, emissions standards have become “progressively more stringent,” but with 70% of heavy-duty vehicles on the road today still pre-2007 vehicles – more work could be done.

“EPA believes that opportunity exists to develop, in close coordination with CARB and other stakeholders, a new, harmonized and comprehensive national NOx reduction strategy for heavy-duty on-highway engines. Therefore, EPA intends to initiate a rulemaking to propose revisions to the federal on-highway heavy-duty NOx emissions control program,” it said in the response.

Tuesday’s announcement is the formal acknowledgement that a rulemaking will likely go forward.

“Today’s announcement makes clear that reducing NOx emissions from heavy-duty vehicles is a clean air priority for this administration,” said EPA Office of Air and Radiation Assistant Administrator Bill Wehrum. “EPA’s Cleaner Trucks Initiative is an important signal to all interested stakeholders that we will work hard on reducing emissions while producing a more effective and efficient program.”

There is no timeline for implementation of any rulemaking, but as the industry starts to debate the benefits and challenges lower NOx limits present, there are a couple of key questions that must be answered, and they are not much different than what they were in 2007 or 2010, the last two years that new levels were mandated.

What will the limit be?

No one knows for sure, although CARB has been pushing a 0.02 g/bhp-hr limit – a 90% reduction from today’s current 0.20 standard.

“Zero point two (0.02) has been a discussion for a long time, so it’s a point out there that people have been working towards,” Mike Roeth, executive director of the North American Council for Freight Efficiency (NACFE), tells FreightWaves. “It’s out there with natural gas engines ... but it’s been a target for a long time.”

In fact, CARB notes that four engines – two from Cummins (NYSE: CMI) and two from Roush CleanTech – currently meet its voluntary 0.02 limit. But getting there with diesel engines is a bit trickier. Can the technology do it? Likely. What will the impact be on fuel economy and what will be the cost? Those are more complicated questions.

“In 2009, we didn’t have EPA’s and NHTSA fuel economy rules that set the bar,” Allen Schaeffer, executive director of the Diesel Technology Forum, explains to FreightWaves.

To meet the EPA 2010 limit of 0.20, it has been estimated to have added \$10,000 to the base cost of the average Class 8 tractor. At this point, it’s just too early to know what the cost this round will be.

What impact will a new NOx limit have on fuel economy?

Schaeffer notes that in 2007, the first step in the two-step process to meet the 2001 NOx regulations, fuel economy took a back seat to meeting the rule. Exhaust gas recirculation (EGR) was the chosen technology for most to meet the 2007 standard, but when 2010’s 0.20 limit was instituted, most engine makers utilized selective catalytic reduction (SCR) technology to meet the limits that didn’t have the same negative impact on fuel economy. Since then, engines have become even more fuel efficient.

“In 2011, the introduction of SCR allowed [engine makers] to design engines that not only lower emissions but also improve fuel economy,” Schaeffer says.

“There was history of [one truck maker] trying to meet the 0.20 NOx standard and really struggling with it in regards to fuel economy,” Roeth notes. “It is a big challenge and it is a big challenge for many reasons. One is the negative effect on fuel economy, but also there is reliability, durability, costs issues. The wide range of truck applications that you have to build to [is another].”

With that said, Roeth believes lower limits are achievable and without much negative effect on fuel economy, if there is any at all. EPA appears to be “pretty wide in what they are looking at here,” he says, indicating he believes the agency is reviewing previous steps taken during the 2007 and 2010 NOx rules and Phase 1 and Phase 2 GHG regulations for lessons that can be applied in the next phase. EPA has also suggested it will review real-world testing results as part of any new proposed rule.

How will it be achieved?

In addition to what the final NOx limit will be, this is the greatest unknown. After using EGR and SCR to meet the earlier limits, the question is now whether SCR can significantly lower NOx levels potentially down to 0.02 g/bhp-hr. Schaeffer doesn’t know if that is possible yet but is confident that the industry will develop the necessary technologies to meet the limit, wherever that bar is set.

“A whole range of things could roll into that,” he says. “How are they going to meet further reductions in NOx emissions? We’ve got SCR today. We’ve got a couple of things, we’re into the second or third generation of SCR technology.

“This new rule will push a broader window of [technological] performance to ensure systems are working at [full efficiency to reduce NOx],” Schaeffer adds, noting that more aggressive and more tightly controlled SCR systems are but one possibility. He also noted waste heat recovery, which turns wasted engine heat into useful power, as a possibility as

those systems continue to develop. There is also more advanced air management techniques that engine makers continue to refine that could help, or maybe even a technology that is not currently available.

USA TODAY: Wildfire smoke brings world's worst air quality to northern California

<https://www.usatoday.com/story/news/nation/2018/11/15/california-fires-worlds-worst-air-quality-smoke-masks/2014817002/>

Doyle Rice Published 4:03 p.m. ET Nov. 15, 2018 | Updated 4:28 p.m. ET Nov. 15, 2018

A wildfire all but obliterated the Northern California town of Paradise, population 27,000, and ravaged surrounding areas last Thursday. About 7,700 homes were destroyed. (Nov. 14) AP

The flames from the devastating wildfires in northern California may be slowly diminishing, but the noxious smoke from the blazes continues to choke the air for millions of people in both Sacramento and the San Francisco Bay area.

In fact, air quality in northern California on Thursday was the worst in the world, even worse than notoriously smoggy cities in India and China, according to Purple Air, an air quality monitoring network.

Both of those major metropolitan areas had air that was classified as either "unhealthy" or "very unhealthy," the Environmental Protection Agency said.

The smoky air made for a bad start to the workday for Thursday commuters, the East Bay Times reported.

In San Jose, Hyun Gyu Park said it reminded him of the air quality in his native Korea, and he wondered whether he should be wearing an air filter. "I see a lot of people wearing gas masks," Park, 23, told the East Bay Times, "and I feel I should be doing the same thing, too."

The National Weather Service has posted an "air quality alert" for a large chunk of the state, which will be in effect until the fires are extinguished.

The smoke has canceled classes for tens of thousands of university students in the region, forced school recesses to be held indoors and also spurred on a record number of internet searches for smoke masks.

In Sacramento County, the health department said school districts should "minimize the smoke exposure to students by canceling or moving all outdoor activities such as recess, PE and after-school athletics indoors."

Instead of wearing masks, county officials said the best advice is just to avoid spending time outside: "Wearing a mask may encourage outdoor activity when staying indoors is the best way to minimize exposure to smoke," the Sacramento County Public Health Office said.

Wildfire smoke can cause or worsen a number of health problems, including reduced lung function, infectious bronchitis, asthma and heart failure, according to the EPA.

Google reported Thursday that searches for smoke masks are at the highest level in Google's history.

Earlier this week, some fans attending the NFL game between the New York Giants and San Francisco 49ers wore masks to deal with any air quality issues, AccuWeather said. Oxygen tanks were also provided on the sidelines for players.

"Smoke and haze will continue to produce poor air quality over much of the San Francisco Bay through late week," the National Weather Service in San Francisco said.

California wildfires burn thousands of acres

Search and rescue personnel comb through debris searching for remains in a neighborhood near Pentz Road in Paradise, Calif, after the Camp Fire devastated the area, Nov. 15, 2018. Kelly Jordan, USA TODAY

There is some good news in the weather forecast for both the fires and smoke: The weather service said Thursday that "a more significant pattern change appears likely during the latter half of next week with the potential for widespread rainfall."

The deadly and destructive Camp Fire, the source of most of the smoke, is now 40 percent contained and covers 140,000 acres, state fire agency Cal Fire said Thursday. That's up from 30 percent on Wednesday.

The fire, which has burned through about 220 square miles in Butte County, has left a wrenching toll: at least 56 people confirmed dead and 130 missing; about 9,000 homes and businesses destroyed, of which 8,800 are single-family homes.

Recycling-Magazine: ISRI Leads Recycling Industry's Efforts in Front of EPA

As the recycling industry celebrates America Recycles Day today, the Institute of Scrap Recycling Industries (ISRI) continues its role advocating for the industry in front of the Administration and on

<https://www.recycling-magazine.com/2018/11/16/isri-leads-recycling-industrys-efforts-in-front-of-epa/>

Capitol Hill.- 16.11.2018

ISRI President Robin Wiener served as an industry representative at a special summit, "Building a More Resilient System Together," hosted by the U.S. Environmental Protection Agency (EPA). The purpose of the summit was to bring various stakeholders from throughout the recycling chain together to discuss key issues.

"The EPA plays a critical role in helping recycling rise above current challenges, while taking advantage of the many opportunities that exist throughout the recycling chain," said Robin Wiener, president of ISRI. "There are key issues that need to be addressed regarding the supply and demand of recyclable materials. The EPA is in a unique position to help foster relationships between manufacturers, brands, state and local governments, consumers, MRF operators, others in the recycling industry, and additional stakeholders. ISRI applauds the EPA's efforts today and looks forward to strengthening our partnership and improving recycling across the board."

According to ISRI the summit focused on four key areas: Education and Outreach; Enhancing Materials Management Infrastructure; Strengthening Secondary Materials Markets; and Enhancing Measurement.

"ISRI is uniquely positioned to provide the resources for the EPA to not only drive discussion, but also to take concrete actions that will benefit the recycling industry as a whole," concluded Wiener. "With ISRI Specifications, market research, member expertise, educational curriculum, and international relationships, among its assets, there is no organization better qualified than ISRI to work hand-in-hand with the EPA on these very important issues. Working together, and in collaboration with other organizations, we will have a significant impact in improving the recycling stream."

Newsweek: CAN WILDFIRE SMOKE MAKE YOU SICK? PLUMES FROM WORST WILDFIRE IN CALIFORNIA HISTORY REACH MASSACHUSETTS

<https://www.newsweek.com/can-wildfire-smoke-make-you-sick-plumes-most-destructive-wildfire-california-1212350>

BY ARISTOS GEORGIU ON 11/16/18 AT

With three major wildfires raging in California, it's no surprise many areas of the state are covered in a vast blanket of smoke.

Incredibly, elements of this smoke cloud are spreading across the entire country, according to maps released by the National Oceanic and Atmospheric Administration, reaching as far as the East Coast, about 3,000 miles away.

The maps clearly show that most of the smoke had accumulated just off the coast of California and Baja California in Mexico. But one large, relatively narrow band can be seen extending eastward over several central and northeastern states. Earlier today, the band separated completely from the main mass of smoke; by around 7 p.m. ET tonight, it will have largely moved beyond the borders of the country.

While not everyone has the same sensitivity to wildfire smoke, breathing it in can be damaging, according to the Environmental Protection Agency (EPA).

"Smoke is made up of a complex mixture of gases and fine particles produced when wood and other organic materials burn," the EPA website stated.

"The biggest health threat from smoke is from fine particles. These microscopic particles can penetrate deep into your lungs. They can cause a range of health problems, from burning eyes and a runny nose to aggravated chronic heart and lung diseases. Exposure to particle pollution is even linked to premature death."

People with heart or lung disease, children (including teenagers), diabetics and pregnant women are particularly at risk from poor air quality caused by fire smoke.

In areas with "unhealthy" levels of pollution, the EPA recommended that at-risk people should avoid strenuous outdoor activities, keep outdoor activities short and consider moving physical activities indoors or rescheduling them. Everyone else should choose less strenuous activities and shorten their amount of time being active outdoors.

It is important to pay attention to local air quality reports if you live near a major fire, especially if you belong to a high-risk group or you care for children. (Check the air quality where you are here.)

Three major fires are burning in California: Camp Fire, in Butte County (northern California), and Woolsey Fire and Hill Fire, both of which are burning in the areas surrounding Los Angeles.

The Camp Fire has burned about 113,000 acres, destroyed more than 6,700 homes and businesses in the town of Paradise, and claimed at least 29 lives. That means it is already the joint deadliest fire in California history. With more than 200 people still missing, the death toll is expected to rise. The fire is also the most destructive based on the numbers of structures damaged.

Two people lost their lives in the Woolsey Fire, which has burned more than 85,000 acres of dry brush outside Los Angeles.

Waste Dive: EPA's Wheeler and 44 others pledge to create a 'more resilient materials economy'

<https://www.wastedive.com/news/epa-wheeler-pledge-more-resilient-materials-economy/542426/>

Cole Rosengren- Nov. 16, 2018

Dive Brief:

Acting EPA Administrator Andrew Wheeler and 44 of the top stakeholders in U.S. recycling signed a pledge on America Recycles Day to "work together to build on our existing efforts to address the challenges facing our nation's recycling system and identify solutions that create a more resilient materials economy and protect the environment."

During the inaugural EPA Recycling Summit, Wheeler outlined four key areas for the group to collaborate on over the coming year: education and outreach, enhancing materials management infrastructure, strengthening secondary materials markets, and enhancing measurement.

An accompanying proclamation from the Trump administration highlighted the opportunity to continue "tremendous progress" on recycling by "redoubling our efforts to ensure resilient local recycling systems that support our economy and our environment" and working together to "build a stronger America for future generations."

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Dive Insight:

Recycling policy is largely decentralized to the state, county and local level, but national messaging still carries weight. Many in the industry have felt a need for more of that in the wake of recent market disruptions, and, while largely symbolic, both the pledge and event are seen as the potential start of a renewed dialogue.

The list of pledge signatories and attendees was lengthy — the event itself ran into overflow capacity — but just about every big name in the industry was represented. SWANA was a key organizer and ISRI also had a high-profile seat at the table, in part because of a tandem memorandum of understanding that was signed regarding vehicle mercury switch recovery.

Other key industry names included the NWRA, Waste Management, Republic Services, New York's Department of Sanitation, The Recycling Partnership, Closed Loop Partners, Keep America Beautiful, National Recycling Coalition, Sustainable Packaging Coalition, Southeast Recycling Development Council, numerous material-specific associations and many of the nation's largest brands or retailers.

The EPA plans to organize calls and further meetings with these parties on the four action areas soon, with a goal of achieving tangible results in time for another summit on America Recycles Day next year.

While each of the areas have been discussed ad nauseam at industry events recently, and the vast majority of what was shared during a two-hour roundtable discussion has been said before, many attendees felt it was important to plug their respective interests in such a high-profile setting. Finding common ground, especially when it comes to financial responsibility, may be challenging in some cases, but the need for ongoing dialogue is clear. The nation's recycling infrastructure will require heightened interest in reform — with regard to both physical assets and policy — if it is to remain viable in the decades to come.

As with a recent announcement around food waste, it would appear that emphasizing the economic potential of this opportunity — more than its environmental implications — is the best way to achieve federal buy-in for the foreseeable future.

Vox: Wildfire smoke has made California's air quality some of the worst in the world

An enormous area of California has smoke-polluted air.

<https://www.vox.com/energy-and-environment/2018/11/16/18098461/aqi-san-francisco-worst-air-quality-world-epa>

By Brian Resnick- Nov 16, 2018, 12:55pm EST

Sheriff deputies walk through a neighborhood destroyed by the Camp Fire on November 10, 2018, near Paradise, California. Justin Sullivan/Getty Images

A wildfire raging in Northern California has left 63 dead, and upward of 600 missing. And now, because of the smoke, many, many more people in the region are breathing in some of the worst air quality in the world.

You can see in the Environmental Protection Agency's air quality monitoring map below how widespread the air quality problem is for the state.

The brown shaded area is where the EPA says the air is truly hazardous. If you live in this area, the EPA recommends that "people with heart or lung disease, older adults, and children should remain indoors and keep activity levels low." And that "everyone else should avoid all physical activity outdoors."

The air quality index in Sacramento, California, is currently at 316. That's hazardous. Breathing in that air for a day is roughly equivalent to smoking 14 cigarettes.

A much greater swath of Northern California has "unhealthy" or "very unhealthy" air, meaning everyone in the air may feel some effects of pollution. This area includes the densely populated San Francisco Bay region.

The air quality is expected to get a little better over the weekend. But the situation can change quickly. If you live in California, you should check back on the EPA's Air Quality Index page for California, and see what warnings and hazards are being listed by your local branch of the National Weather Service.

The problem with wildfire smoke is that the particles in it are so tiny, they can find their way into the smallest nooks and crannies of your lungs. Particles with a diameter of less than 2.5 micrometers (one micrometer is a millionth of a meter) factor heavily into the EPA's assessment of air quality, and are a dangerous pollution component of smoke.

"These microscopic particles can get into your eyes and respiratory system, where they can cause health problems such as burning eyes, runny nose, and illnesses such as bronchitis," the Environmental Protection Agency warns. "Fine particles also can aggravate chronic heart and lung diseases — and even are linked to premature deaths in people with these conditions."

People in these areas seeking protection from the smoke should consider N95 respirators or P100 masks. These face masks have filters that can block out most (but not all) of the pollution that's smaller than 2.5 micrometers in diameter (often called PM 2.5).

EPA

Much of the smoke in Northern California is coming from the Camp Fire, named after Camp Creek Road in Butte County, where the blaze began. The fire is the most destructive and deadly in California's history. One town of 26,000 — called Paradise — almost entirely burned down. Sixty-three are dead and the Sacramento Bee reports that more bodies are expected to be found.

Also unsettling, 630 people are still missing. The list is compiled from friends and relatives who have not been able to contact with people living in the fire-stricken areas. "The level of chaos we were dealing with was extraordinary," Kory Honea, the sheriff and coroner of Butte county, told the Bee. Many people had to flee their homes with not much time

to prepare. Some people fleeing the fire have been displaced from a tent city set up in a Walmart parking lot, “and many of them are unsure of where they will go next,” the Chico Enterprise-Record reports.

Why did this happen? Umair Irfan explained for Vox:

As climate change pushes temperatures up, vegetation like grasses and trees are dying out. This creates ample fuel to burn. Outside of Chico, where the Camp Fire began burning, the flames were then fanned by northern California’s Diablo Winds with gusts topping 70 mph. The fire at one point gained about a football field in area per second.

Though the Camp Fire resulted from a perfect set of extreme fire conditions that all coincidentally came together at the same time, some of those conditions were years in the making.

It’s an example of how forces in the climate that build up over decades can act on the scale of days, even hours, creating a terrifying scenario the likes of which we have never experienced before.

Around 142,00 acres, or 221 square miles total, have burned in the blaze, and it’s only 45 percent contained. (There are also fires burning in Southern California. More on those [here](#).)

Forecasters are hoping that a change in the winds and a chance of rain next week will help contain both the fire and the smoke. Here’s a forecast map for the smoke that will update in real time. But, for now, it’s dangerous out there.

E&E News: Trump team reluctant to pursue polluters — report

<https://www.eenews.net/greenwire/2018/11/16/stories/1060106485>

Mike Soraghan: Friday, November 16, 2018

President Trump's EPA isn't just rolling back regulations, it's failing to enforce the rules that remain on the books, according to a new report from a group formed to track the administration.

"No longer does the EPA seem so capable of fulfilling its mission to ensure competent enforcement of federal environmental laws," states the report out today from the Environmental Data & Governance Initiative (EDGI). "Put bluntly, the dramatic decline of EPA enforcement is a threat to public health."

The watchdog group says the agency is retreating from its role of ensuring that environmental laws are enforced evenly and serving as a backstop to state regulators.

The report documents a sharp percentage reduction in enforcement actions, although it also notes a more gradual decline under President Obama. And it cites memos and documents from staff indicating a reluctance to go after polluters. While Trump officials talk of shifting enforcement to the states, the report maintains that state agencies aren't picking up the slack.

"It's not clear that that is happening, or that it's a good idea," said Leif Fredrickson, an EDGI researcher and one of the authors of the report. "It emboldens industry to believe laws will not be enforced and penalties will be smaller."

But EPA officials deny any retreat and question the source of EDGI's data, which were taken from an EPA database. A statement sent by an EPA spokesman focused on "compliance" rather than enforcement.

Percentage decline in civil enforcement cases initiations by EPA region, midyear FY 2017 to Midyear FY 2018. Photo credit: Environmental Data & Governance Initiative
[+] Environmental Data & Governance Initiative

"Compliance with those laws is what allows us to make further environmental progress and maintain the great progress we have already achieved," the statement says. It adds that the agency has many ways to do that, ranging from helping companies with compliance to "putting people in jail" for egregious violations.

Enforcement may be the place where a presidential administration has the most latitude to change a regulatory agency, particularly if it wants to take an industry-friendly approach. Creating or revoking a regulation requires bureaucrats to follow time-consuming procedures, and interest groups bog down the process with lawsuits. Reducing enforcement simply requires political appointees to say "no" to taking on new cases.

It's also more difficult to track than the progress of a regulation. Enforcement cases can take years, and much information is shielded from the public during the investigative stage.

Trump administration officials at EPA have touted their enforcement record, although Obama's top EPA enforcement official said they were taking credit for work done before they arrived (E&E News PM, Feb. 8). The agency's inspector general recently began an assessment of long-term enforcement trends (E&E News PM, Nov. 6).

Message to 'slow enforcement'

EDGI's report says enforcement actions dropped steeply between fiscal 2017 — which included the final months of the Obama administration — and 2018, the first full fiscal year of the Trump administration. The group's research found that:

- Conclusions of judicial cases such as consent decrees and court orders dropped 22 percent.
- Administrative orders requiring regulated entities to come into compliance dropped 42 percent.
- Administrative orders requiring polluters to reimburse cleanup costs at places such as Superfund sites were down 54 percent from the previous year.
- Administrative orders involving fines were down 54 percent.

The report stated the number of civil enforcement actions had been declining before Trump took over, but "that decline has generally accelerated in FY 2018."

EPA officials said EDGI relied on preliminary midyear data and that complete, verified data will be available in December. The statement said EPA officials "anticipate they will show a significant improvement from mid-year."

The report also cites confidential agency memos indicating EPA managers have been concerned by the decline in enforcement. EDGI declined to explain how it obtained the memos.

In June, Lawrence Starfield, the top career manager in EPA's enforcement branch, emailed a memo to regional enforcement officials seeking help in determining why enforcement numbers were falling. The report also cites an EPA enforcement branch memo from several days before offering seven possible reasons for the decline.

Among the possible reasons was that headquarters officials had started asking more detailed questions about enforcement actions, which may have sent an "unintentional signal that certain types of cases are not appropriate." Another was that some employees had "incorrectly interpreted" the agency's emphasis on deferring to states authorized to enforce federal environmental laws to mean that they "should do no inspections and enforcement in authorized states."

It cited an interview with an unnamed employee in saying that in the first six months after Trump took over, there had been a "consistent message" to "slow enforcement."

EPA's statement said there are many ways to get polluters to comply beyond filing lawsuits and imposing fines.

"People often focus on statistics related to formal enforcement actions such as orders and judicial decrees," it said, rather than focusing on compliance.

But enforcement officials can "point out problems to prompt a swift return to compliance ... work informally with regulated entities, again to achieve a return to compliance more promptly."

The agency is expanding the use of "expedited settlement tools," encouraging audits and self-disclosure and working with states to build capacity, the statement said.

EPA officials also questioned EDGI's use of the agency's database called "ECHO," for Enforcement and Compliance History Online.

"That does not tell the whole story," the agency statement says. "Regions are not required to report 'informal actions,' and only a few do so. ECHO also does not capture all state actions."

E&E News: Children's advocacy group to honor embattled health chief

<https://www.eenews.net/greenwire/stories/1060106499/search?keyword=epa>

Ariel Wittenberg- Friday, November 16, 2018

The International Society for Children's Health and the Environment will honor the beleaguered head of EPA's children's health office with a medal named for a crusading pediatrician.

Ruth Etzel, who's been on administrative leave from the Office of Children's Health Protection since September, will be the first recipient of the Herbert Needleman Medal at the society's annual meeting in Mérida, Mexico, in January.

Etzel maintains EPA placed her on leave over a disagreement over an interagency Federal Lead Strategy. She told CBS News last month that a political appointee had told her proposed regulations to combat lead poisoning in the strategy "wouldn't fly."

EPA didn't respond to requests for comment. The agency says Etzel was placed on leave due to serious questions about her leadership.

ISCHE President Mark Miller said awarding the medal to Etzel is "a message that we support her, and we are pushing back."

The group's selection committee says it's no mistake that Etzel is receiving an award named after Needleman, who successfully overcame a yearslong campaign from industry to discredit his studies connecting childhood lead exposure to developmental disabilities. Needleman died in 2017.

"We wanted to support people who might be going through similar sorts of experiences as Herb did, and that's how Ruth rose to the top of our candidates list — the way she's been treated by EPA and the Trump administration," said David Bellinger, a professor at Harvard's T.H. Chan School of Public Health.

Needleman's studies in the 1970s and 1980s comparing lead levels in children's baby teeth to IQ tests was the seminal research showing that long-term exposure to low levels of lead could have long-term impacts on kids' cognition and behavior.

His research, which was replicated by others across the globe, was later used as the basis for regulating lead in almost everything, from gasoline to paint.

But industry pushed back. A pair of psychologists appearing opposite Needleman as expert witnesses in a lawsuit over a lead smelter got hold of his data from one 1979 study. They accused him of scientific misconduct to both the National Institutes of Health and the University of Pittsburgh, where he was working at the time.

Needleman admitted to making some math errors but stood by the conclusions of his studies. He was ultimately exonerated after years of investigations.

"It was a terrible experience for him because it really took up all of his energies for a few years — and that was probably the goal, to take him out of the game because he was such a central player," Bellinger recalled. "He was in that position to speak truth to power and became the focus of industry ire. He paid the price, but ultimately he came through it and continued his work."

When Needleman died last summer, ISCHE wanted to continue his legacy with an award for scientists who confront powerful interests on behalf of children's health, said Neil Leifer, a Boston-based attorney and ISCHE member who called on Needleman as an expert witness in lawsuits against the industry in the 1980s.

The committee considered a number of nominees for the award — all of whom advocated for children and science and faced some form of pushback from either industry or government.

"We wanted to, in some way, help someone undergoing a similar relentless attack," he said. "I think Herb would agree that recognizing Ruth now is really important.

E&E News: EPA regulation of sewage sludge falls short — IG

<https://www.eenews.net/greenwire/stories/1060106477/search?keyword=epa>

Ariel Wittenberg- Friday, November 16, 2018

EPA does not regulate more than 350 pollutants found in sewage sludge used as fertilizer, according to the agency's inspector general.

Sewage sludge, known as "biosolids," is the solid material from a wastewater treatment plant that is often used as a fertilizer in farm fields.

A new report from the Office of Inspector General found that while EPA consistently monitors biosolids for nine heavy metals, the agency can't regulate another 352 pollutants, including steroids, flame retardants and pharmaceuticals, that have been found in biosolids.

Among those 352 pollutants are 61 that EPA has already designated as "acutely hazardous" or priority pollutants in other programs.

But without risk assessments for those pollutants in biosolids, EPA can't regulate them.

The Clean Water Act requires EPA to review biosolids regulations every two years to identify new pollutants and regulate them, as well as to reduce bacteria found in sewage sludge.

Those efforts have been stymied by staff reductions in the biosolids program, which create "barriers to addressing control weaknesses identified in the program," the IG wrote.

The watchdog also notes that for pollutants where more data are needed before writing regulations, existing law is "silent" on whether EPA is required to collect such data, and the agency doesn't.

"Without such data, the agency cannot determine whether biosolids pollutants with incomplete risk assessments are safe," the report says.

What's more, the IG said, EPA hasn't done a good enough job telling the public about the risks — known and unknown — biosolids pose to the public.

"The EPA's website, public documents and biosolids labels do not explain the full spectrum of pollutants in biosolids and the uncertainty regarding their safety," the IG wrote. "Consequently, the biosolids program is at risk of not achieving its goal to protect public health and the environment."

IG is making 13 recommendations for how EPA could improve the program. Those include developing a risk assessment tool and screening tool for biosolids land application scenarios and developing a plan to obtain additional data needed.

EPA did not agree to recommendations to issue updated guidance on sampling practices for fecal coliform bacteria in biosolids, to change its website to identify unregulated pollutants and disclose gaps in biosolids data, or to decide whether there should be a disclaimer label on biosolids regarding unregulated pollutants.

E&E News: Trump to nominate Wheeler for top job

<https://www.eenews.net/stories/1060106503>

Kevin Bogardus- November 16, 2018 at 2:03 PM

Andrew Wheeler is in line to be the next EPA administrator.

President Trump will nominate the acting EPA chief for the job permanently, he said today at a Medal of Freedom ceremony at the White House.

"Acting Administrator, who I will tell you is going to be made permanent, he's done a fantastic job and I want to congratulate him," Trump said.

Wheeler was confirmed as deputy administrator in April. He took over the top job at EPA on an acting basis in July after Scott Pruitt resigned amid allegations that he had misused his public office.

Wheeler is well-known on Capitol Hill, having served as a longtime aide to Sen. Jim Inhofe (R-Okla.) and the Senate Environment and Public Works Committee. He later became a lobbyist for various energy interests at Faegre Baker Daniels LLP. His advocacy for coal giant Murray Energy Corp. has attracted scrutiny from Democrats and environmental groups.

Wheeler has kept up much of the deregulatory policy work first proposed by Pruitt, rolling back several environmental rules at the agency. He's kept a lower profile than his predecessor, however, and he has sought to highlight his affinity for the agency where he once worked as a career employee.

Trump suggested earlier this year that he would nominate Wheeler for EPA administrator.

"He's acting, but he's doing well, right?" Trump said in October at a White House event. "So maybe he won't be so acting so long."

The Hill: Trump to nominate acting EPA chief Wheeler as next administrator

<https://thehill.com/policy/energy-environment/417159-trump-to-nominate-acting-epa-chief-wheeler-for-senate-confirmation>

BY TIMOTHY CAMA - 11/16/18 02:06 PM EST

President Trump said he plans to nominate Andrew Wheeler, acting head of the Environmental Protection Agency, to be the EPA's Senate-confirmed administrator.

Trump made the announcement Friday during a White House ceremony for Medal of Honor recipients.

He said Wheeler "is going to be made permanent," adding that "he's done a fantastic job and I want to congratulate him."

"Congratulations, Andrew," Trump said.

Before becoming administrator, Trump will have to submit Wheeler's nomination to the Senate. A majority of senators would then need to confirm Wheeler.

Wheeler became acting administrator in July, when then-EPA chief Scott Pruitt resigned amid numerous spending and ethics scandals. Wheeler at the time was EPA's deputy administrator, a Senate-confirmed position he assumed in April.

Before working for the government, Wheeler was a lobbyist and lawyer for energy companies such as coal mining giant Murray Energy Corp.

Earlier in his career, Wheeler worked as a senior aide to Sen. Jim Inhofe (R-Okla.), who previously led the Senate Environment and Public Works Committee.

CNBC: Trump to nominate acting EPA Administrator Andrew Wheeler as agency's permanent chief

<https://www.cnn.com/2018/11/16/trump-to-nominate-acting-epa-administrator-andrew-wheeler-as-permanent-chief.html>

Kevin Breuninger Tom DiChristopher- November 16, 2018

- Andrew Wheeler will be nominated to permanently lead the Environmental Protection Agency, President Donald Trump said Friday.
- Wheeler, 53, has served as the acting head of the EPA since his predecessor, former Oklahoma Attorney General Scott Pruitt, resigned under a cloud of ethics investigations in July.
- Trump made the announcement at the White House while welcoming various administration officials, before awarding the Presidential Medal of Freedom to seven individuals.

Andrew Wheeler, acting administrator of the Environmental Protection Agency (EPA), arrives on stage with President Donald Trump during the White House State Leadership Day conference in Washington, D.C., on Tuesday, Oct. 23, 2018.

Andrew Wheeler will be nominated to permanently lead the Environmental Protection Agency, President Donald Trump said Friday.

Wheeler, 53, has served as the acting head of the EPA since his predecessor, former Oklahoma Attorney General Scott Pruitt, resigned under a cloud of ethics investigations in July.

Trump made the announcement at the White House while welcoming various administration officials, before awarding the Presidential Medal of Freedom to seven individuals.

Trump introduced Wheeler as the "acting administrator who, I will tell you, is going to be made permanent. He's done a fantastic job and I want to congratulate him."

Even before Pruitt stepped down, conservatives and Republican lawmakers were tipping Wheeler, a long-time Washington insider and lobbyist for the coal industry, to take over for his embattled boss. Wheeler was confirmed as the deputy administrator just three months before Pruitt's departure.

Wheeler is likely to face a charged and highly partisan Senate confirmation hearing. Only three Democrats — Joe Manchin of West Virginia, Heidi Heitkamp of North Dakota and Joe Donnelly of Indiana — supported Wheeler's confirmation to be the EPA's No. 2 official. Both Manchin and Heitkamp represent states with major fossil fuel interests.

Heitkamp lost her race against Republican Kevin Cramer in the midterm elections, and Donnelly was ousted in his race against Republican Mike Braun.

Associated Press: Trump says will name EPA's acting chief to post permanently

<http://www.dailyjournal.net/2018/11/16/us-trump-epa-chief/>

By ELLEN KNICKMEYER - 11/16/18 2:07 PM

WASHINGTON — President Donald Trump says he will name the Environmental Protection Agency's acting head, Andrew Wheeler, to the post permanently.

Trump made the announcement almost in passing Friday at a White House ceremony for Presidential Medal of Freedom honorees.

The president singled out Wheeler in the audience at the ceremony, adding Wheeler "is going to be made permanent" at EPA.

Wheeler has served as the EPA's acting head since July, when then-EPA administrator Scott Pruitt resigned amid ethics scandals.

A former lobbyist for coal and other industries, Wheeler has a reputation as a lower-profile, methodical steward of the Trump administration's deregulatory mission. Trump said Friday that Wheeler was doing a "fantastic job."

Washington Examiner: Trump says he will nominate Andrew Wheeler to head EPA

<https://www.washingtonexaminer.com/policy/energy/trump-says-he-will-make-wheeler-permanent-head-of-epa>

by John Siciliano | November 16, 2018 02:29 PM

President Trump said on Friday that he will nominate Andrew Wheeler to be the next administrator of the Environmental Protection Agency.

Trump said Wheeler "is going to be made permanent" in introducing him at a White House Medal of Freedom event at the White House.

"He's do fantastic job and I want to congratulate him," he added. "Congratulations, Andrew. Great job."

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Wheeler has been serving as acting administrator since July after former EPA administrator Scott Pruitt resigned from the post amid numerous scandals over his misuse of federal funds.

EPA did not immediately comment on the president's remarks.

The news comes as several members of Trump's cabinet are expected to step down before the new year, including Interior Secretary Ryan Zinke, who is facing a Justice Department probe into allegations that he used his position for personal gain.

Wheeler is a former coal lobbyist and Republican congressional staffer. He has a law degree and an MBA.

Washington Post: Trump plans to nominate Andrew Wheeler, former coal lobbyist, as permanent EPA chief

Wheeler took over as the agency's acting administrator in early July after Scott Pruitt resigned amid ethics scandals.

https://www.washingtonpost.com/energy-environment/2018/11/16/trump-plans-nominate-andrew-wheeler-former-coal-lobbyist-permanent-epa-chief/?utm_term=.165c1e5eea77

By Brady Dennis and Juliet Eilperin November 16 at 2:35 PM

President Trump on Friday said he intends to nominate former industry lobbyist Andrew Wheeler as the Environmental Protection Agency's next administrator, a move that would ensure a continued deregulatory push at the agency.

Trump made the impromptu announcement during a Medal of Freedom ceremony at the White House, saying that Wheeler had done a "fantastic job" as the agency's acting administrator in recent months. Wheeler took the helm of the agency in early July after Scott Pruitt resigned amid mounting ethics scandals.

During his brief tenure as EPA's acting chief, Wheeler has proven far different than the man he replaced. Where Pruitt was a politician who enjoyed the limelight and the trappings of Cabinet life, Wheeler has long worked behind the scenes on energy and environmental policy and generally avoids the spotlight.

But Wheeler and his predecessor have this much in common: A zeal to deregulate. Wheeler made clear from the start that he intends to carry out many of the regulatory rollbacks set in motion under Pruitt, and to pursue new ones.

"I will try to work to implement the president's agenda," he told The Post shortly after he took over the reins at EPA this summer. "I don't think the overall agenda is going to change that much, because we're implementing what the president has laid out for the agency."

In the months since, Wheeler has continued to advance the president's agenda, proposing rules to loosen carbon limits on power plants and relax fuel efficiency standards for cars and light trucks. Those proposals, along with moves to change the way the agency calculates the health benefits of new air pollution standards, have sparked sharp criticism from environmental and public health groups.

But he also has struck a more conciliatory tone with career employees at the agency, emphasizing that he once served in their ranks and that he values their service. He also has postponed some of Pruitt's more controversial regulatory plans, including one relaxing emissions rules for long-haul trucks that place older engines in newer bodies, known as glider kits.

Just this week, Wheeler announced a plan to impose stricter limits on nitrogen oxide emissions from heavy duty trucks, winning praise from both the trucking industry and the American Lung Association.

Wheeler stands a strong chance of winning Senate confirmation, though his nomination is still likely to spur a serious debate. He won approval for his current job in April on a 53-to-45 vote, with just three Democrats supporting his nomination. At the time, several Democratic senators questioned his past for Murray Energy, one of the nation's biggest coal companies, as well mining firms and other energy interests.

BuzzFeed: Trump Chooses New Permanent EPA Chief: Former Coal Lobbyist Andrew Wheeler

Before joining Trump's EPA, Andrew Wheeler was a coal lobbyist. He must still be confirmed by the Senate.

Zahra Hirji- Posted on November 16, 2018, at 2:38 p.m. ET

President Donald Trump on Friday said he's going to nominate Andrew Wheeler to formally take over the Environmental Protection Agency.

Wheeler has been the acting head of the agency since July, when Scott Pruitt stepped down from the role amid multiple ethics scandals. Under Wheeler's watch, the EPA announced it is rolling back car emission standards and proposed a weaker replacement to the Obama-era Clean Power Plan, which regulated coal pollution.

Wheeler's nomination had been rumored for weeks. As the nominee, he will have to go through another Senate confirmation, which he already passed when he became deputy administrator earlier this year.

Trump said Wheeler has "done a fantastic job" and "is going to be made permanent."

Before joining Trump's EPA earlier this year, Wheeler led the energy and environment portfolio at Faegre Baker Daniels, a consulting law firm. In that role, he lobbied for the coal mining company Murray Energy Corporation on environmental regulations.

This is a developing story.

Bloomberg Environment: Trump Says He Will Seek to Make Pruitt's EPA Successor Permanent

<https://news.bloombergenvironment.com/environment-and-energy/trump-says-he-will-seek-to-make-pruitts-epa-successor-permanent>

Jennifer Dlouhy: Posted Nov. 16, 2018, 2:28 PM

- Andrew Wheeler has done 'a fantastic job,' Trump says
- Wheeler replaced Scott Pruitt, who resigned amid several scandals

Andrew Wheeler, who has been the EPA's acting head since the resignation of scandal-plagued Scott Pruitt, will be nominated to lead the agency, President Donald Trump said Nov. 16

Trump made the remarks at a Medal of Freedom ceremony at the White House where he introduced Wheeler by saying he is going to be made permanent.

"He's done a fantastic job, and I want to congratulate him," Trump said. "Congratulations, Andrew. Great job."

Wheeler, a former coal and energy lobbyist, took over the Environmental Protection Agency after Pruitt's ouster in July. While Wheeler shares Trump's agenda of environmental deregulation he is largely seen as more methodical and deliberate.

The Senate confirmed Wheeler as deputy administrator under Pruitt by a vote of 53-45 last April amid complaints from Democrats and environmentalists about his lobbying work for companies such as coal producer Murray Energy Corp., utility Xcel Energy Inc., and uranium miner Energy Fuels Inc. Wheeler has vowed to stay away from decisions affecting former clients.

Trump would need to re-nominate Wheeler for the administrator position, though Wheeler could potentially serve as acting secretary for years with virtually no limitations on his power.

His time as acting administrator was initially limited to 210 days under a federal vacancies law. But that clock gets paused if and when Trump nominates Wheeler for the administrator job—and it can stay that way for two years while a nomination is pending before the Senate.

—With assistance from Ryan Beene.

NY Times: Trump Says He'll Nominate Andrew Wheeler to Head the E.P.A.

Andrew R. Wheeler has been the acting administrator since July, when Scott Pruitt stepped down amid multiple ethics investigations.

<https://www.nytimes.com/2018/11/16/climate/trump-andrew-wheeler-epa.html>

By Lisa Friedman- Nov. 16, 2018

WASHINGTON — President Trump on Friday said he intends to nominate Andrew R. Wheeler to be the permanent administrator of the Environmental Protection Agency.

The E.P.A. has been at the center of Mr. Trump's deregulatory agenda and Mr. Wheeler has been instrumental in seeing through rollbacks of major environmental policies that were initiated by former President Barack Obama. The rollbacks include proposals to weaken a sweeping regulation on emissions from coal-fired power plants and to loosen rules on pollution from vehicle tailpipes.

Before joining the E.P.A., Mr. Wheeler represented coal and energy-industry interests as a lobbyist.

Mr. Trump made the announcement about Mr. Wheeler while leading a Presidential Medal of Freedom ceremony at the White House. Referring to Mr. Wheeler, he said: "Acting administrator, who I tell you is going to be made permanent, he's done a fantastic job and I want to congratulate him."

In an interview at E.P.A. headquarters earlier in the day, Mr. Wheeler, who has served as acting head of the agency since his predecessor Scott Pruitt resigned in July amid federal ethics inquiries, had said he wanted the job.

"At this point, yes, I would like to be nominated to be the administrator," Mr. Wheeler said in the Friday morning interview, before Mr. Trump's announcement. "I think I'm making a difference. This is a transitional time for the agency. We've started a number of initiatives that I'd like to see through to conclusion."

EWG: 'A coal lobbyist and the head of the EPA should be two different people'

<https://www.ewg.org/release/trump-elevates-coal-lobbyist-lead-epa>

Alex Formuzis- FRIDAY, NOVEMBER 16, 2018

WASHINGTON – After a career as a coal lobbyist and five months as acting head of the Environmental Protection Agency, Andrew Wheeler has been tapped by President Trump to be the agency's next administrator. It's a move that could only come from a president hell-bent on rolling back public health and environmental regulations, said EWG President Ken Cook.

"In normal times, a zealous fossil fuel apologist and the top official in charge of protecting children's health from pollution would be two separate people with conflicting agendas," said Cook. "But this is the Trump administration, where a former top coal lobbyist could become administrator of the EPA."

"One thing is for certain. Whether or not he's confirmed by the Senate to be the next administrator, when Wheeler's time at EPA ends, more children will have been exposed to dangerous pollutants."

Tennessean: Tennessee mother plans to sue EPA over son's death from hazardous chemical

<https://www.tennessean.com/story/news/local/cheatham/2018/11/16/methylene-chloride-deaths-epa-tennessee-lawsuit/2026240002/>

Kelly Fisher, Nashville Tennessean Published 2:51 p.m. CT Nov. 16, 2018

A Tennessee mother is taking steps to sue the Environmental Protection Agency for apparently failing to finalize a ban on a chemical that killed her 21-year-old son last year.

Wendy Hartley “joined forces” with several other parties and submitted a notice of intent to file suit against the EPA on Oct. 31, aiming to push the agency to ban methylene chloride. The notice is addressed to acting Administrator Andrew Wheeler.

An EPA representative did not immediately return USA TODAY NETWORK - Tennessee’s request for comment.

Hartley is named on the notice with the Labor Council for Latin American Advancement, Safer Chemicals Healthy Families, Vermont Public Interest Research Group and Lauren Atkins, another mother whose son died after inhaling methylene chloride while using a paint removal product. They’re represented by Jonathan Kalmuss-Katz and Eve C. Gartner of Earthjustice and Robert M. Sussman of Sussman and Associates.

Kevin Hartley, who graduated from Sycamore High School, died in April 2017. He collapsed and went into cardiac arrest before he was found unresponsive at work.

“It should’ve been banned a long time ago,” Wendy Hartley said of methylene chloride. “Kevin is not the first Tennessean to have died because of (it). ...This should not keep happening.”

Dangers of methylene chloride

The Oct. 31 notice states that 1.3 million Americans are at risk from exposure to methylene chloride paint removers in their homes and workplaces annually, citing the EPA.

“EPA’s failure to finalize a proposed ban on (methylene chloride) — a toxin that EPA has found to present an unreasonable risk of cancer, heart failure, and sudden death — violates that statutory obligation,” the notice states, referring to the Toxic Substances Control Act. “A common ingredient in paint removers, (methylene chloride) is known to cause asphyxiation from acute exposure and is responsible for more than 60 reported deaths, as well as incapacitation, loss of consciousness, and coma.”

Some retailers — including Lowe’s, Walmart, Home Depot and Sherwin Williams — have already announced on their own they would stop selling methylene chloride paint removal products, according to the notice, which also states that the EPA has recognized that the chemical is hazardous.

Failure to act

Hartley and another mother whose son died after inhaling the chemical met with then-Administrator Scott Pruitt in May, and Hartley said although she felt Pruitt “actually listened” to their concerns, there hasn’t been any progress to ban methylene chloride since.

The EPA announced in a May 10 news release that it would take action on the paint-stripping chemical. That release states that the agency addressed paint-stripping uses in a risk assessment in 2014. The EPA proposed banning commercial and consumer use for methylene chloride in January 2017, and in June of that year, announced it would not re-evaluate uses of the chemical.

The release stated that the EPA “intends to finalize the methylene chloride rulemaking,” it is “not re-evaluating the paint stripping uses of methylene chloride and is relying on its previous risk assessments,” and is “working to send the finalized rulemaking to (the Office of Management and Budget) shortly.”

But no draft has been submitted, nor has a final rule been published since then, the notice states.

The Toxic Substances Control Act requires the EPA has at least 60 days’ notice before the parties move forward, according to a Safer Chemicals Healthy Families news release. Hartley said the parties have not heard anything from the EPA, and she doesn’t expect to hear anything “until day 59.”

Putting faces to the story

“Once I understood how severe and how dangerous this chemical was, I had reached out and pretty much said, ‘Whatever you need ... if I’m able to, I’ll do it,’ ” Hartley said of her determination to get the chemical banned. She said it’s one thing for environmental groups to push for it, but it’s another thing to “put a face to the story” by sharing what happened to her son.

The first time Hartley had even heard of methylene chloride was seeing it on her son’s death certificate.

“Three heartbroken, pissed-off moms together ... can do a lot,” Hartley said. “I always just thought if it was on my store shelf (it) should be safe for me to use.”

She said it’s “easier” knowing that her son was an organ donor, and that sharing his story could help save more lives.

“I want to help save more lives,” Hartley said. “I’ve hugged two mothers that have lost their sons (and) don’t want to hug any more ... because the EPA failed to act.”